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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.4511/2007

PETITIONER

Jagat Bandhu Chakraborty Son
of Shri Girdhari Chakraborty,
aged about 39 years, Presently
posted at Higher Secondary
School Pandrapath, Block
Bagicha, District Jashpurnagar
(C.G.)

Versus

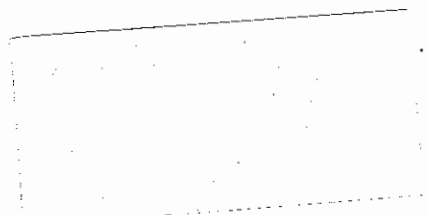
RESPONDENT

1. State of Chhattisgarh, Through:
The Secretary, Department of
Schedule Caste and Schedule
Tribes Development, D.K.S.
Bhawan, Raipur (C.G.)
2. The Deputy Secretary, Scheduled
Caste and Scheduled Tribes
Development, D.K.S. Bhawan,
Raipur (C.G.)
3. The Commissioner, Tribal
Development, Raipur (C.G.)
4. The Assistant Commissioner, Tribal
Welfare, Jashpur, District
Jashpurnagar (C.G.)
5. The Block Education Officer, Block
Bagicha, District Jashpurnagar
(C.G.)
6. B.K. Rajput, Assistant
Commissioner, Tribal Welfare,
Jashpur, District Jashpurnagar
(C.G.)

Appearance:

Shri P.P. Sahu, Counsel for the petitioner.

Ms. Deepali Pandey, Panel Lawyer for the State on advance
copy.



ORAL ORDER
(13.08.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner, who is working on the post of Upper Division Teacher, has filed this Writ Petition challenging the order of his transfer dated 07.07.2007 (Annexure P/1), by which, he has been transferred from High School Pandrapath, Block Bagicha, District Jashpur to High School Konta, District Dantewada.

Learned counsel for the petitioner submits that earlier the petitioner was working in High School, Pandripani. The petitioner was suspended on 4.8.2005 and his headquarter was fixed at Tapkara and after his reinstatement on 23.9.2006, he was posted at Pandrapath, Block Bagicha, District - Jashpur, from where now he has been transferred to Dantewada. His submission is that the wife of the petitioner is working as *Shiksha Karmi* Grade-II in Girls' Middle School, Ankira, Block Farsabahar District Jashpur and from there the transferred place is at a distance of 900 km, therefore, if the order is allowed to remain in force, the petitioner would face great hardship. He also submits that in fact the order has been passed on the malafide action initiated by respondent No.4, as at one point of time, when there was mass suspension of about 82 employees, respondent No.4 had reinstated many of them, but had not reinstated the petitioner. Thereafter, when the petitioner sought some documents from his office, he did not supply the same to him.

On being pointedly asked from learned counsel for the petitioner as to who passed the order of reinstatement, he very fairly submits that the order of reinstatement has been passed by respondent No.4 himself.

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I have heard learned counsel for the parties at length.

So far as the grounds relating to personal difficulties like working of the wife and the distance of the transferred place are concerned, it is for the employer to see as to how the employee is to be kept while in service and what facilities and accommodations can be given to him for obtaining better services from him. These are not the grounds within the dominion of the Court to interfere in an order of transfer passed by the employer.

So far as the grounds of malafide are concerned, learned counsel for the petitioner himself has submitted that it was respondent No.4, who has reinstated the petitioner and he also submitted during the course of arguments that a departmental enquiry was initiated against the petitioner and a punishment of reduction in increment was awarded to him. However, he could not point out as to how this order is related to respondent No.4 and what action of respondent No.4 is malafide in the matter of transfer of the petitioner.

It is pertinent to mention here that the order of transfer has been issued by the State Government and according to the Transfer Policy, as stated to me, many formalities are to be completed before passing of such an order, therefore, no expressed malafide can be attributed to respondent No.4 and this ground does not appear to be made out in favour of the petitioner.,

In the facts and circumstances of this case, I do not find any merit in this petition. The petition has no merit and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge